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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/747,929	12/30/2003	Jeron Wayne Coolman		7093

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EXAMINER

MISIASZEK, MICHAEL

ART UNIT PAPER NUMBER

3625

DATE MAILED: 12/27/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.		Applicant(s)	
	10/747,929		COOLMAN ET AL.	
	Examiner		Art Unit	
	Michael Misiaszek		3625	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 December 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____ | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

Information Disclosure Statement

The listing of references in the specification is not a proper information disclosure statement. 37 CFR 1.98(b) requires a list of all patents, publications, or other information submitted for consideration by the Office, and MPEP § 609.04(a) states, "the list may not be incorporated into the specification but must be submitted in a separate paper." Therefore, unless the references have been cited by the examiner on form PTO-892, they have not been considered.

Claim Objections

The numbering of claims is not in accordance with 37 CFR 1.126 which requires the original numbering of the claims to be preserved throughout the prosecution. When claims are canceled, the remaining claims must not be renumbered. When new claims are presented, they must be numbered consecutively beginning with the number next following the highest numbered claims previously presented (whether entered or not).

Misnumbered claims 11-19 have been renumbered 12-20.

Claims 6 and 16 are objected to because of the following informalities: the phrase "Electronic Transfer Funds for outstanding account payable" does not make sense grammatically given the structure of the claim language. The Examiner suggests changing it to read --Electronically Transfer Funds for outstanding account payable--. Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

- 1. Claims 2, 7, 9, 12, 17, and 19 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.**

Regarding Claims 2, 9, 12, and 19

Claims 2 and 12 recite the limitation "the vendor" in the second line of each claim. There is insufficient antecedent basis for this limitation in the claims.

Claims 9 and 19 recite the limitation "the search vendor profile" in the first line of each claim. There is insufficient antecedent basis for this limitation in the claims.

Regarding Claims 7 and 17

It is unclear exactly what is meant by the term "Point of Contact data" because the term is not sufficiently defined in the specification and there are multiple interpretations that are equally reasonable to apply. For purposes of examination, the term will be considered to be the Point of Contact associated with an entry in the government's Central Contract Registry.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1 and 11 are rejected under 35 U.S.C. 102(e) as being anticipated by Byrne (US 20050060235 A2).

Byrne discloses a system and method to support an electronic market place comprising:

- a communication network to communicate purchase requests (at least paragraph [0040])
- one or more buyers coupled to the network to issue a purchase order specifying items from two or more suppliers (at least Abstract)
- a server coupled to the network to receive the purchase order, the server generating sub-orders from the purchase order and sending the sub-orders to the two or more suppliers for fulfillment (at least paragraphs [0027] and [0036]: Hub or central server which handles sending of sub orders to merchants)

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 2 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Byrne in view of McLauchlin (US 6754672 B1).

Byrnes discloses:

- receiving an acceptance from the vendor (at least paragraph [0052]: vendor acknowledges order and ships product)

Byrne does not disclose:

- accessing data from a Central Contract Registry (CCR) Database to retrieve vendor payment data
- paying the vendor using the CCR database

McLauchlin teaches that it is known to include accessing the Central Control Registry Database to retrieve vendor data (at least column 1, lines 43-64: agent uses CCR to retrieve vendor data) and paying the vendor using the data (at least column 1, lines 43-64: agent finalizes order) in a similar environment. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the system and method to support an electronic marketplace, as taught by Byrne, with the

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accessing of the CCR Database to retrieve vendor payment data and paying a vendor using that data, as taught by McLauchlin, since such a modification would have provided a way to integrate government systems to the into the public sector to aid procurement systems (at least column 1, lines 22-42 of McLauchlin).

4. Claims 3-5 and 13-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Byrne in view of McLauchlin as applied to claims 2 and 12 above, and further in view of King, Jr. et al. (US 5319542, herein referred to as King).

Regarding Claims 3,13

The combination of Byrne and McLauchlin discloses the claimed invention except for:

- keeping a local copy of the CCR database in a system database

King teaches that it is known to include keeping a local copy of an external database (at least claim 13: catalog database is downloaded by customer) in a similar environment. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the system and method to support an electronic marketplace, as taught by Byrne, with the keeping of a local copy of an external database, as taught by King, since such a modification would have provided a reduction of customer maintenance of their private data (at least column 2, lines 1-10 of King).

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Regarding Claims 4,14

The combination of Byrne and McLauchlin discloses the claimed invention except for:

- importing the CCR data into a public data storage and a private data storage.

King teaches that it is known to include importing a database into a public data storage and a private data storage (at least column 2, lines 56-64: transmit catalog database to public and private catalog database) in a similar environment. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the system and method to support an electronic marketplace, as taught by Byrne, with the importing of a database into a public data storage and a private data storage, as taught by King, since such a modification would have provided a reduction of customer maintenance of their private data (at least column 2, lines 1-10 of King).

Regarding Claims 5,15

The combination of Byrne and McLauchlin discloses the claimed invention except for:

- transferring data over a secure protocol

King teaches that it is known to include transferring data over a secure protocol (at least column 5, lines 10-13: system only allows authorized users to download data) in a similar environment. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the system and method to support an electronic marketplace, as taught by Byrne, with transferring data over a secure

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protocol, as taught by King, since such a modification would have provided a reduction of customer maintenance of their private data (at least column 2, lines 1-10 of King).

5. Claims 6-8 and 16-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Byrne in view of McLauchlin as applied to claims 2 and 12 above, and further in view of Gieselmann et al. (US 20040117263 A1, herein referred to as Gieselmann).

Regarding Claims 6, 16

The combination of Byrne and McLauchlin discloses the claimed invention except for:

- using the CCR data to Register Vendors, Search and Select Vendors for solicitation of services and/or delivery of supplies; View Vendor Profile; or Electronic Transfer Funds or outstanding account payable

Gieselmann teaches that it is known to include using CCR data to register vendors (at least paragraph [0054]: companies registered using DUNS number) in a similar environment. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the system and method to support an electronic marketplace, as taught by Byrne, with the using CCR data to register vendors, as taught by Gieselmann, since such a modification would have provided registration that does not require dedicated in-house computer resources (at least paragraph [0014] of Gieselmann).

Regarding Claims 7, 17

The combination of Byrne and McLauchlin discloses the claimed invention except for:

- validating the vendor's DUNS/CAGE data and Point of Contact data

Gieselmann teaches that it is known to include validating DUNS/CAGE data (at least paragraph [0054]: companies registered using DUNS number) in a similar environment. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the system and method to support an electronic marketplace, as taught by Byrne, with the validating DUNS/CAGE data, as taught by Gieselmann, since such a modification would have provided registration that does not require dedicated in-house computer resources (at least paragraph [0014] of Gieselmann).

Regarding Claims 8, 18

The combination of Byrne and McLauchlin discloses:

- displaying Business Name; DUNS and CAGE Code; Socio Economic Factors; Business Type; Geographic Location; or NAICS/SIC Code (at least paragraph [0005]: class and geographic area are published to buyers)

6. Claims 9 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Byrne in view of McLauchlin and Gieselmann as applied to claims 6 and 16

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above, and further in view of Goodman et al. (US 20030088475 A1, herein referred to as Goodman).

The combination of Byrne, McLauchlin and Gieselmann discloses the claimed invention except for:

- receiving as a search parameter one or more of the following: Business Name; DUNS and CAGE Code; Socio Economic Factors; Business Type; Geographic Location; and NAICS/SIC Code

Goodman teaches that it is known to search for vendors based on vendor name and address (at least paragraph [0061]) in a similar environment. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the system and method to support an electronic marketplace, as taught by Byrne, with the searching for vendors based on name and address, as taught by Goodman, since such a modification would have provided a convenient way to find a vendor (at least paragraph [0011] of Goodman).

7. Claims 10 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Byrne in view of McLauchlin and Gieselmann as applied to claims 6 and 16 above, and further in view of King and Muscavage, III et al. (US 20030126036 A1, herein referred to as Muscavage).

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The combination of Byrne, McLauchlin and Gieselmann discloses the claimed invention except for:

- retrieving CCR public data and private data
- determining the vendor's business name and mailing address from the public data
- determining the vendor's electronic fund transfer (EFT) information from the private data
- using the EFT information to pay the vendor

King teaches that it is known to include retrieveing public and private data (at least column 2, lines 56-64: public and private catalog databases browsed by customer) and determine the vendor's business name and mailing address (at least column 4, lines 47-68: suppliers makes name and address available in database) in a similar environment. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the system and method to support an electronic marketplace, as taught by Byrne, with retrieving public and private data and determining of vendor name and address, as taught by King, since such a modification would have provided a reduction of customer maintenance of their private data (at least column 2, lines 1-10 of King).

Muscavage teaches that it is known to include determining the vendor's electronic fund transfer information (at least paragraph [0033]: automated clearinghouse uses EFT

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data to transfer funds from buyer to seller) and use this data to pay the vendor (at least paragraph [0033]: automated clearinghouse uses EFT data to transfer funds from buyer to seller) in a similar environment. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the system and method to support an electronic marketplace, as taught by Byrne, with the determining vendor's EFT information and paying the vendor using this information, as taught by Muscavage, since such a modification would have provided a secure way to transfer funds in e-commerce (at least paragraphs [0003] and [0004] of Muscavage).

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Guidice et al (US 6463420 B1) discloses tracking of delivery stats information over a network that includes a private and public database. Komem et al. (US 6892184 B1) discloses a system and method for multiple currency transactions that includes getting vendor payment data from a third party source.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Misiaszek whose telephone number is (571) 272-6961. The examiner can normally be reached on 8:00 AM - 4:30 PM, Monday through Friday.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wynn Coggins can be reached on (571) 272-7159. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Michael A. Misiaszek
Patent Examiner
12/22/2005



12/22/05